IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2474 of 2005

Between:

K. Basilal, S/o. Late K. Mohanlal,
R/o. H.No. 10-1-190, Tapovan Colony, Saroornagar, Hyderabad.

..... PETITIONER

AND

1 The Additional Commissioner of Police (Traffic) 3rd Floor Police Control Room, Basheerbagh,
Hyderabad.
2 The Deputy Commissioner of Police (Traffic) Hyderabad.
3 The Circle Inspector of Police (Traffic), Tank Bund Traffic Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction or a Writ particularly one in the nature of Writ of Mandamus declaring that the action of the Respondents to remove the Public Telephone Booth of the Petitioner without Notice or opportunity is arbitrary, illegal and violative of the principles of natural justice and Articles 14, 19/(1)(g), 21 and 41 of the Constitution of India.

Counsel for the Petitioner: MR.KOKA RAGHAVA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner is a physically handicapped person. He was allotted a Public Telephone Booth and the same was established opposite to the C.I.D Office, Lakdikapool. He alleges that the respondents are trying to remove the Public Telephone Booth from the existing place and seeks a declaration that such action is illegal, arbitrary and contrary to the principles of natural justice.

In the counter affidavit filed on behalf of the respondents, it is stated that the existence of Telephone Booth just in front of the C.I.D.Office is causing security concern and that it has become inevitable to remove the same. It is further stated that with a view to protect the interests of the petitioner, they have addressed a letter, dated 11.02.2005, to the Commissioner of Municipal Corporation, to accord permission for shifting of Telephone Booth of the petitioner to any of the three places indicated therein.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner established the Public Telephone Booth in front of the C.I.D.Office, Lakdikapool. It is not in dispute that he was accorded permission by the concerned authorities for this. At the same time, the effect of existence of such a Booth in front of an important agency like C.I.D Office cannot be ignored. It is certainly be a matter of security concern for the respondents. Therefore, no exception can be taken for their attempt to shift the Public Telephone Booth of the petitioner. In all fairness, the respondents have addressed a letter, dated 11.02.2005 to the Commissioner of Municipal Corporation, requesting him to allot one of the three places indicated therein to the petitioner. It was also stated in the counter affidavit that till the Municipal Corporation allots a location to the petitioner, he would not be forced to shift the booth.

Therefore, the writ petition is disposed of, taking on record, the statement made on behalf of the respondents, that the petitioner would not be compelled to shift the Public Telephone Booth, till the Municipal Corporation allots an alternative site. It is, however, made clear that once the petitioner is allotted an alternative site by the Municipal Corporation, the respondents shall be entitled to require the petitioner to shift the same. There shall be no order as to costs.

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21.03.2005

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To

1 The Additional Commissioner of Police (Traffic) 3rd Floor Police Control Room, Basheerbagh,
Hyderabad.
2 The Deputy Commissioner of Police (Traffic) Hyderabad.
3 The Circle Inspector of Police (Traffic), Tank Bund Traffic Police Station, Hyderabad.

4 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad. (OUT)

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